

<b>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT</b>		Docket Number (Optional) 033018-150
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In re Patent Application of: Sprinkel, F. Murphy, Jr. et al.

Application No.: 10/736,990

Filed: December 17, 2003

For: AEROSOL GENERATOR HAVING HEATER IN MULTILAYERED COMPOSITE AND  
METHOD OF USE THEREOF

The owner\*, PHILIP MORRIS USA INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,701,921. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

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Signature

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804-864-4301

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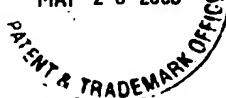
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Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

\*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

MAY 26 2005

Attorney Docket No. 033018-150

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: F. Murphy Sprinkel, Jr. et al.Application No./Patent No.: 10/736,990 Filed/Issue Date: December 17, 2003Entitled: AEROSOL GENERATOR HAVING HEATER IN MULTILAYERED COMPOSITE AND METHOD OF USE THEREOFPHILIP MORRIS USA INC.

(Name of Assignee)

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest. The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: F. Murphy Sprinkel, Jr. et al. To: CHRYSALIS TECHNOLOGIES INC.The document was recorded in the United States Patent and Trademark Office at Reel 011595, Frame 0601, or for which a copy thereof is attached.2. From: CHRYSALIS TECHNOLOGIES INC. To: PHILIP MORRIS USA INC.The document was recorded in the United States Patent and Trademark Office at Reel 015596, Frame 395, or for which a copy thereof is attached.

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 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached. [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

MARCH 10, 2005

Date

Typed or printed name

Signature

Title